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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,105	07/26/2001	Dmitri Litvinov	SEAG 48091	8426

7590 12/04/2003

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EXAMINER
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SNIEZEK, ANDREW L

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 12/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/916,105

Applicant(s)

LITVINOV ET AL.

Examiner

Andrew L. Sniezek

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 14-17 and 21-26 is/are rejected.
- 7) ☒ Claim(s) 5, 8-13 and 18-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Information Disclosure Statement***

The information disclosure statement filed 2/20/03 has been considered.

***Drawings***

The figures filed 7/26/01 are objected to because Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. Applicant discusses these figures in the specification as being conventional. The term "conventional" is widely accepted as meaning something that is well known, i.e. Prior Art.

***Claim Rejections - 35 USC § 103***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 6, 7, 14-17 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants admitted prior art as discussed in the background of the invention as exemplified by figures 1 and 2 in view of Cunningham.

Applicant admitted prior art as related to figures 1 and 2 teaches a perpendicular recording arrangement that sequentially records information on a disk as the head is moved across the disk. The prior art arrangement does not teach the feature of substantially eliminating a skew angle effect. Such a feature is taught in a similar arrangement by Cunningham (figures 1 and 2) in order to achieve a higher track density. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Cunningham into the prior art arrangement to achieve a higher track density. The radially outward movement as set forth in claim 2 is satisfied by the arrow (15) in figure 2. As seen from figure 2, the head is moved across substantially of the tracks on the disk in a bidirectional direction satisfying the limitations of claims 3, 6 and 7. The angles of inclination as set forth in claim 4 are satisfied by the angles shown in figure 1. Claims 14, 17, 24 set forth substantially the same limitations as discussed above by using the language that the compensation angles with respect to the tracks remain greater than zero degrees. These features are satisfied by the applied art as applied and specifically (figures 1-2) of Cunningham for reasons discussed above. The specific compensation angle ranges as set forth in claims 15 and 16 are deemed satisfied by at least some of the compensation angles as taught by Cunningham since the desired arc of movement across the disk is not specifically defined by the claims. As seen from figure 1 (Cunningham) the aspect ratio of the side edge to the trailing edge is within the ranges set forth in claims 21 and 22. Also the pole shown in Cunningham is rectangular as set forth in claim 23. Claims 25-26 are directed to a method of recording data on a disk and include substantially the same limitations as discussed with respect to the structural claims. These methods are deemed satisfied by the operation of the structure of applicants admitted prior art and Cunningham as discussed above.

***Allowable Subject Matter***

Claims 5, 8-13 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The specific compensation angles as set forth in claims 5, 8, 18, 19 when used in the environment as set forth is neither taught by nor an obvious variation of the art of record. The specific sequential operation as set forth in claim 10 use in the environment of claim 1 is neither taught by nor an obvious variation of the art of record.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sacks et al., Akiyama et al. and Mallary et al. are cited of interest to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Snizek whose telephone number is 703-308-1602. The examiner can normally be reached on Mon.-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

*andrew l. sniezek*  
Andrew L. Sniezek  
Primary Examiner  
Art Unit 2651

A.L.S.  
November 27, 2003